

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina ☐

Asheville Division

FILED
ASHEVILLE, N.C.

OCT 18 2021

U.S. DISTRICT COURT
W. DIST. OF N.C.

BRO T. HESED-EL

Case No.

1:21 cv 305
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

ROBIN BRYSON, et al.

(see page 2)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

RENEWAL

COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE

(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Brother T. Hesed-El
Street Address	c/o TAQI EL AGABEY MANAGEMENT, 30 N Gould Street Suite R
City and County	Sheridan
State and Zip Code	Wyoming 82801
Telephone Number	762-333-2075
E-mail Address	teamwork3@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	John Doe (Individual Capacity)
	Hospital Does 1-20 (Individual and Official Capacity)
Street Address	
City and County	Asheville, Buncombe County
State and Zip Code	North Carolina 28801
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name	Robin Bryson (Individual and Official Capacity)
Job or Title (if known)	Licensed Clinical Social Worker (LCSW)
Street Address	428 Biltmore Ave
City and County	Asheville, Buncombe County
State and Zip Code	North Carolina 28801
Telephone Number	
E-mail Address (if known)	

Defendant No. 3

Name	Mission Hospital, Inc.
Job or Title (if known)	
Street Address	509 Biltmore Ave
City and County	Asheville, Buncombe County
State and Zip Code	North Carolina 28801
Telephone Number	
E-mail Address (if known)	

Defendant No. 4

Name	ANC Healthcare, Inc.
Job or Title (if known)	
Street Address	425 West New England Ave Ste 300
City and County	Winter Park, Orange County
State and Zip Code	Florida 32789
Telephone Number	
E-mail Address (if known)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) Brother T. Hesed-El, is a citizen of the U.S.A. (domicile northwest region of Northwest Amexem, Washington state republic near Ellensburg [98926].

2. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) Robin Bryson, is a citizen of the State of (name) North Carolina. Or is a citizen of (foreign nation) _____.

2. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Damages exceeding \$75,000; and punitive damages exceeding \$250,000.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) 09/20/2016, at (place) Mission Hospital, Inc. - Asheville, NC,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because *(describe the acts or failures to act and why they were negligent)*

Robin Bryson, in concert with other hospital staff, provided medical care that fell below the applicable standard of care. Adam Herzog, Stirling Barlow, and other hospital staff were negligent in using a therapeutic restraint to extract Plaintiff's bodily fluids against his will, and forcing medications upon Plaintiff without giving him an opportunity to give expressed consent. The forced care violated Plaintiff's religion and caused harmful side effects negatively affecting Plaintiff's state of mind. After Plaintiff's mind was altered by the forcefully administered medications and induced trauma, Robin Bryson allegedly performed an IVC examination.

Plaintiff was under a disability caused by defendants for 16 days from September 20, 2016.

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by *(explain)*

Bryson owed a duty to Plaintiff to strictly comply with the requirements of G.S. § 122C-263(c) and (g). Based on false or insufficient alleged facts or hearsay, she recommended an inpatient commitment. She knowingly omitted from her examination the availability of supervision from Plaintiff's family, friends or others; and she knowingly failed to provide Plaintiff with specific information at the completion of the examination. Bryson breached her duty owed to Plaintiff which deprived him insight and liberty. Bryson willfully breached her duty which directly and proximately caused Plaintiff's foreseeable damages. Bryson lacked the requisite authorization for the 1st Exam.

The hospital's negligent policy, practice, training, supervision, hiring, and retention proximately caused Plaintiff's damages.

IV. **Relief** Claims: Negligence; Gross Negligence; Reckless, Willful and Wanton Conduct; Lack of Informed Consent; and Negligent Infliction of Emotional Distress.

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Barlow and Herzog owed Plaintiff a duty to inform him of the material risks associated with medical treatment, and give him an opportunity give his expressed consent regarding medical treatment. At the time of administering, Plaintiff had the full capacity and competency to make his own health decisions. Their reckless/willful disregard of Plaintiff's right to determine what is done with his own body proximately caused Plaintiff's damages. Bryson knew, or should have known, that Plaintiff did not meet the criteria for an involuntary commitment; and that Plaintiff could survive safely in freedom on his own, or with the help of his family, friends, others. Despite knowing this, and based on her religious bias, cultural incompetency, and poor training, she knowingly failed to comport with professional standards and judgment. Her willful/reckless disregard of Plaintiff's rights caused him emotional and physical injuries. As a direct and proximate result of defendants' acts and omissions, Plaintiff was falsely imprisoned for 16 days, sustaining more than \$75,000 in economic and non-economic damages. Plaintiff is entitled to recover all damages.

Prayer for Relief: Pursuant to G.S. § 90-21.12, enter an finding that defendants are liable for Plaintiff's damages in an amount exceeding \$75,000 which will be determined at a jury trial.

Recovery of costs of this action to the extent permitted by law.

Such other relief as the Court deems just, fair, and equitable.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/14/2021

authorized Representative
Filing Agent's Wet Ink Signature

/s/ Brother T. Hesed-El, ARR
Plaintiff's Signature

Brother T. Hesed-El
Printed Name

USPS Priority Mail Express Tracking No.
9470111699000618427472

Rule 9(j) Certification:

The medical care and all medical records pertaining to the alleged negligence that are available to the plaintiff after reasonable inquiry have been reviewed by a person who is reasonably expected to qualify as an expert witness under Rule 702 of the Rules of Evidence and who is willing to testify that the medical care did not comply with the applicable standard of care.

***NOTICE OF TIMELY RENEWAL - Rule 41(a)(1)(i)/G.S. 1a-1, Rule 41**

This action was originally timely filed on October 7, 2019 and voluntarily dismissed on October 22, 2021. Plaintiff hereby renews the original action - **CIVIL CASE NO. 1:19-cv-00285**.